



**TOWN OF GREENWOOD
TOWN COUNCIL MEETING
100 W. Market Street
Wednesday Oct. 12, 2022 @ 6:30 P.M.
REVISED – AMENDED AGENDA***

CALL TO ORDER

EXECUTIVE SESSION . Executive session for discussion and strategy sessions including advice from an attorney at law, regarding pending or potential litigation.*

*added 10/6/22 as deemed necessary for time sensitive matter

POSSIBLE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

APPROVAL OF MINUTES

1. Town Council Meeting Minutes Sept. 21, 2022

POLICE

1. Verbal Report-Chief Thomas

TOWN MANAGER REPORT

1. Verbal Report – Janet Todd

OLD BUSINESS

1. 2023 Budget: Discussion and possible adoption of the 2023 Operating Budget
2. First reading of Ordinance C5A: An ordinance repealing in its entirety and replacing Ordinance C-5 establishing procedures for absentee voting in the annual municipal election and providing penalties for violations thereof.
3. First reading of Ordinance C14: An ordinance establishing a voter registration program for municipal elections in the Town of Greenwood

NEW BUSINESS

4. Matt Taylor: Discussion of the Greenwood owned Little League Field
5. Representative from the Diamond State Ducks
6. Town of Greenwood Resolution 2022-05 :A Resolution establishing the time and days of regular Council meetings
7. Town of Greenwood Resolution 2022-06: A Resolution replacing Town of Greenwood Official Zoning Map

ADJOURNMENT

NOTES:

AGENDA SHALL BE SUBJECT TO CHANGE TO INCLUDE ADDITIONAL ITEMS (INCLUDING EXECUTIVE SESSIONS) OR THE DELETION OF ITEMS (INCLUDING EXECUTIVE SESSIONS), WHICH ARISE AT THE TIME OF THE MEETING. [29 Del. C. Sec.10004 (e)(3)].

ALL ITEMS ON THE COUNCIL MEETING AGENDA ARE SUBJECT TO A POTENTIAL VOTE.

AGENDA ITEMS MAY BE CONSIDERED OUT OF SEQUENCE.

Town of Greenwood

Town Council Meeting Minutes

Wednesday, September 21, 2022

Call to Order

Mayor Donovan called the meeting to order at 6:04 pm.

Councilman and Officials Present

Mayor Donald Donovan, Vice-Mayor Norman Reed, Councilman Mike Moran, Councilman Donald Torbert, Councilwoman Durene Jones, Police Chief Phillip Thomas, Town Manager Janet Todd, Town Clerk Carolyn Chisenhall

Approval of Minutes

Motion by Councilman Moran, Seconded by Councilwoman Jones, to approve the Minutes of the August 10, 2022, Town Council Meeting. CARRIED Unanimously.

Police Report

Chief Thomas reported that Corporal Willey officially started working on August 15. The Police Department has posted for an Admin Assistant.

Town Manager Report

1. Manager Todd thanked everyone who helped put together Greenwood Day, especially Dee Jones. There's been a lot of positive feedback.
2. Preparations will begin for the Christmas Parade, "Parade of Lights", taking place December 9.
3. We have a new video conferencing system, the "Owl", so we can broadcast live.
4. Baseio Bakery has completed their meetings with Board of Adjustment and have one last final for site plan approval before they can begin building their cold storage facility off Draper Street.
5. I'm looking into grant opportunities to pay for crosswalks on Market Street.

Councilwoman Jones, who had been out of town for a few days just prior to Greenwood Day, thanked Janet for taking over and doing an excellent job with the final preparations.

New Business

1. The first draft of the 2023 Operating Budget was presented to Council. Mayor Donovan expressed excitement and appreciation at seeing numbers that aren't in the red. Due to this year's more realistic figures, Council agreed that a budget workshop did not seem necessary. Mayor instructed Council to review the Draft and any issues can be discussed in October before final approval in November.
2. Two ordinances were presented for review and will have their first reading next month:
 - a. **Ordinance C5A: An Ordinance repealing in its entirety and replacing Ordinance C-5 establishing procedures for absentee voting in the annual municipal election and providing penalties for violations thereof.** This ordinance is sponsored by Councilman Moran.
 - b. **Ordinance C14: An Ordinance establishing a voter registration program for municipal elections in the Town of Greenwood.** This ordinance is sponsored by Councilman Torbert.

Executive Session

Entered Executive Session with a motion by Vice-Mayor Reed, seconded by Councilwoman Jones, at 6:15 p.m. CARRIED Unanimously.

Return to Open Session

Returned to Open Session at 6:38 p.m. Vice-Mayor Reed made a motion to rectify the possible litigation as discussed. Seconded by Councilman Moran. CARRIED Unanimously.

Adjournment

Moved to adjourn at 6:39 p.m. by Vice-Mayor Reed, Seconded by Councilwoman Jones.

Attested _____, Town Manager

DRAFT

Sponsor: _____
First Reading: _____
Second Reading: _____

GREENWOOD ORDINANCE NO. C-5-A

**AN ORDINANCE REPEALING IN ITS ENTIRETY AND REPLACING
ORDINANCE C-5 ESTABLISHING PROCEDURES FOR ABSENTEE VOTING IN THE
ANNUAL MUNICIPAL ELECTION AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF.**

WHEREAS, Section 7(d) of the Greenwood Town Charter authorizes the Town to "provide for a qualified voter (duly registered if required by ordinance) who shall be unable to appear in person, to cast his / her ballot at any municipal election by absentee ballot";

WHEREAS, Ordinance C-5 establishes the procedures for absentee voting in the annual municipal election in the Town of Greenwood;

WHEREAS, Ordinance C-5 does not address the handling of absentee voting in other municipal elections;

WHEREAS, the handling of absentee ballots in municipal elections is governed by 15 Del. C. Chapter 75 and absentee voting procedures set forth therein have changed since the adoption of Ordinance C-5; and

WHEREAS, in the opinion of the Town Council, it is in the best interest of the public to repeal and replace Ordinance C-5 to comply with the updated absentee voting procedures found in the Delaware Code to allow for absentee voting in other municipal elections.

NOW THEREFORE, be it hereby enacted by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that Ordinance C-5 "An Ordinance Establishing Procedures for Absentee Voting in the Annual Municipal Election and Providing Penalties for Violations Thereof" is hereby deleted in its entirety and is replaced thereof with the following, to wit:

**ORDINANCE C-5-A: AN ORDINANCE ESTABLISHING PROCEDURES FOR
ABSENTEE VOTING IN MUNICIPAL ELECTIONS AND PROVIDING PENALTIES
FOR VIOLATIONS THEREOF**

1. Persons eligible to vote by absentee ballot. Any qualified voter of the Town of Greenwood who shall be unable to appear to cast a ballot at any Municipal Election of the Town of Greenwood at the regular polling place in the Town of Greenwood may vote by absentee ballot for any of the following reasons:
 - a. Because such person is in the public service of the United States or of this State, or is a citizen of the United States temporarily residing outside the territorial limits of

the United States and the District of Columbia, or such person's spouse or dependents when residing with or accompanying the person, or is absent from this State because of illness or injury received while serving in the armed forces of the United States; or

- b. Because such person is in the armed forces of the United States or the Merchant Marines of the United States, or attached to and serving with the armed forces of the United States in the American Red Cross or United Service Organizations; or
- c. Because of the nature of such person's business or occupation, including the business or occupation of providing care to a parent, spouse or that person's child who is living at home and requires constant care due to illness or injury; or
- d. Because such person is sick or physically disabled; or
- e. Because such person is absent from the Town of Greenwood while on vacation; or
- f. Because such person is unable to vote at a certain time or on a certain day due to the tenets or teachings of that person's religion.

2. Request for ballot; statement for absentee ballots; delivery of absentee ballots.

- a. Any qualified voter of the Town of Greenwood ("the elector") desiring to vote by absentee ballot in any Municipal Election may request an absentee ballot from Town Manager by filing a written statement with the Town Manager no later than 12:00 noon the day before the Municipal Election.
- b. A statement may be filed pursuant to this Section 2 by mailing it, delivering it, or causing it to be delivered to Town Manager of the Town of Greenwood.
- c. Statements filed pursuant to this Section 2 shall:
 - i. Indicate the election or elections for which the elector is requesting an absentee ballot;
 - ii. Include at least the following information:
 - 1. The elector's name;
 - 2. The address within the Town of Greenwood at which the elector establishes eligibility to vote;
 - 3. The address to which the elector requests that the absentee ballot be mailed;
 - 4. The elector's date of birth;
 - 5. The elector's expected location on election day;

6. The reason that the elector cannot appear at the regular polling place on the day of the election which reason shall be any of the reasons listed in Section 1 of this Ordinance.
 7. A telephone number, if available, to assist in resolving any challenge;
 8. An e-mail address, if available, to assist in resolving any challenge; and
 9. The elector's signature;
 - iii. Be subscribed and sworn to by the elector.
 - d. The Town of Greenwood may adopt a printed or electronic statement form (or both), containing blanks associated with each item required by this Section 2 to be listed on a statement, which may be completed by any elector wishing to receive an absentee ballot pursuant to this Section 2. An elector may submit a written or electronic request to the Town of Greenwood for the Town's prepared statement form, which the Town of Greenwood shall forward to the elector upon receipt of a request therefore.
3. Distribution of ballots, envelopes, and instructions; envelope specifications; prepaid postage.
 - a. Upon receipt of a statement from an elector pursuant to Section 2 of this Ordinance, the Town of Greenwood shall process the same and confirm that the elector qualifies for an absentee ballot pursuant to Section 1 of this Ordinance.
 - b. Not more than 60 days nor less than 4 days prior to the Municipal Election, and within 3 days after the absentee ballots, envelopes, and instructions therefore become available, the Town of Greenwood shall mail, to each elector who requests and qualifies for an absentee ballot pursuant to Section 1 of this Ordinance, the following:
 - i. An absentee ballot for the municipal election in which the elector is qualified to vote;
 - ii. Instructions for completing the absentee ballot and returning it to the Town of Greenwood, marked "INSTRUCTIONS FOR COMPLETING AND RETURNING AN ABSENTEE BALLOT"; and
 - iii. An envelope marked "BALLOT ENVELOPE", which shall be:

Commented [JS1]: I suggest preparing a form to also be voted on by Council after the adoption of this ordinance.

1. Of the type known as a security mailing envelope, designed to securely protect the contents thereof from tampering, removal, or substitution without detection;
 2. Large enough to carry the ballot; and
 3. Addressed for return to the Town of Greenwood.
- c. Postage for all mailings made pursuant to this Section 3 shall be prepaid by the Town of Greenwood.
- d. Nothing contained in this Section 3 shall prevent the issuance of an absentee ballot to those lawfully entitled thereto when the request is made less than 4 days prior to the election.
4. Requirements for ballot envelope; numbering and coding; voter identification label; affidavit of eligibility.
- a. The Town of Greenwood shall provide to each elector to whom it sends an absentee ballot an envelope which shall be:
 - i. A color other than white;
 - ii. Large enough to hold a completed ballot; and
 - iii. Designed to protect its contents from tampering, removal, or substitution without detection.
 - b. Upon each envelope provided pursuant to this section shall appear:
 - i. The words "BALLOT ENVELOPE";
 - ii. An alpha-numeric symbol and/or barcode for use in accounting for the absentee ballot;
 - iii. Identification information for the elector receiving the absentee ballot, including:
 1. The name of the municipality where the elector is qualified to vote;
 2. The elector's name;
 3. The elector's mailing address; the address within the Town of Greenwood that establishes the elector's eligibility to vote if different from the elector's mailing address; and
 4. Such other information as the Town of Greenwood may require; and
 - iv. The following oath:

"I do solemnly swear (affirm) that to the best of my knowledge I am eligible to vote in this municipal election and that the address that appears on the

label on this envelope is the address at which I am qualified to vote in this municipal election. I also do solemnly swear (affirm) under penalty of perjury that I have not received or accepted, or offered to receive or accept, any money or other item of value as compensation, inducement or reward for the giving or withholding of a vote at this municipal election, nor that I am acting under duress or threat of duress or harm."

v. The voter's signature.

5. Voting procedure; execution of affidavit; return of ballot. The procedure for completing an absentee ballot and returning it to the Town of Greenwood is as follows:

- a. An elector who receives an absentee ballot pursuant to this Ordinance shall complete the ballot by marking it with the elector's selections and shall place the completed ballot in the envelope marked "BALLOT ENVELOPE."
- b. The elector shall confirm that the information about that elector on the ballot envelope is correct and then sign the self-administered oath.
- c. The elector shall then seal the ballot envelope.
- d. The elector shall return the sealed ballot envelope to the Town of Greenwood by:
 - i. Depositing it in a United States postal mailbox, thereby mailing it to the Town of Greenwood; or
 - ii. Delivering it, or causing it to be delivered, to the Town of Greenwood before the polls close on the day of the election.

6. Time limit for return of ballot; late ballots.

- a. The Town of Greenwood shall endorse the date and time of receipt on the ballot envelope of each absentee ballot received by the Town of Greenwood.
- b. Notwithstanding any other provision of this Ordinance, for an absentee ballot to be counted pursuant to this Ordinance, an elector voting by absentee ballot shall return the elector marked ballot to the Town of Greenwood before the polls close on the day of the election.
- c. The Town of Greenwood shall retain unopened any ballot envelope it receives after the polls close on the day of the election for 60 days after the election, or longer if directed by proper authority or required to do so by federal law.

7. Procedure on receipt of ballot envelope by the Town of Greenwood.

- a. Upon receipt of a ballot envelope, the Town Manager, or a person authorized by the Town Manager, shall:
 - i. Ascertain the names of each elector as they appear on the face of each ballot envelope;
 - ii. Ascertain from the information on the ballot envelope the municipal election district with whose votes the ballot within it shall be tallied; and
 - iii. Place the ballot envelope in a secure location until such time as it is opened and the ballot within it is counted.
 - b. No agent or employee of the Town of Greenwood shall open or attempt to open the ballot envelope, or change or alter or attempt to change or alter the ballot envelope, or any writing, printing or anything whatsoever thereon.
8. Counting procedure for absentee ballots. At any time between the opening and the closing of the polls on an election day, absentee election judges selected by the Board of Elections, shall count absentee ballots at a properly noticed public meeting in the offices of the Town of Greenwood or at the place of the election, at the Town of Greenwood's discretion, in accordance with the procedures set out below. Anything herein to the contrary notwithstanding, at the discretion of the Town of Greenwood, the Board of Elections may itself act as the absentee election judges.
- a. The Board of Elections shall appoint a sufficient number of teams of absentee election judges, each consisting of an odd number of electors, to open and tally the absentee ballots before the close of the polls. The Board of Elections shall be responsible for deciding all challenges and overseeing the process.
 - b. The Town of Greenwood shall provide a list of persons who have returned absentee ballots for review by the public and challengers at the meeting. Challenges must be made prior to the opening of the ballot envelope for the voter being challenged.
 - c. If a person has challenged an absentee voter as provided in 15 Del. C. § 7557(d)(5), an absentee election judge shall give that person's ballot envelope to the Board of Elections who shall then hear the evidence and decide the challenge. If the Board of Elections upholds the challenge, the chairperson shall write the word "CHALLENGED" on the ballot envelope, the reason for the challenge and then sign the chairperson's own name. When the challenge is denied, the ballot envelope shall be returned to the team to be opened and counted. The Board of Elections, after the close of the polls, shall seal the ballot envelopes for all voters who were successfully challenged in a carrier envelope along with a log sheet showing the serial number of the carrier envelope.

- d. Where absentee ballots have been prepared for counting in advance of the opening of the polls in accordance with Section 9 of this Ordinance and are in a carrier envelope, the absentee election judges, upon opening a carrier envelope, shall verify that the serial number on the log sheet is the same as the serial number on the carrier envelope. If the numbers are not the same, the judges shall report the discrepancy to the Board of Elections and then follow the instructions of the Board of Elections regarding that carrier envelope. If there are no discrepancies or the discrepancy has been resolved, the team shall remove the ballots from the carrier envelope.
- e. Where the ballots are in the ballot envelopes, a team of absentee election judges shall:
 - i. Check the ballot envelopes against the list of absentee voters. The teams shall not process any ballot envelopes that the Town of Greenwood has not listed as returned on the list of absentee voters until the discrepancy has been resolved to the Board of Election's satisfaction.
 - ii. Reject ballot envelopes that the voter did not sign or seal, or for a voter who is known to be dead. An absentee election judge shall print the word "REJECTED" and the reason for the rejection on the front of the ballot envelope and then at least 2 of the absentee elections judges shall initial beside the entry.
 - iii. Open each ballot envelope in such a manner as not to deface or destroy the self-administered statement thereon or the absentee ballot enclosed and then remove the ballot in such manner as to avoid seeing the markings thereon from the ballot envelope. If there is no ballot in the ballot envelope or if there is more than 1 ballot in a ballot envelope, an absentee election judge shall write the word "REJECTED" and the reason for the rejection on the front of the ballot envelope and then at least 2 absentee elections judges shall initial beside the entries. In the case where there was more than 1 ballot in a ballot envelope, the team shall put the ballots back into the ballot envelope.
 - iv. Once an absentee ballot judge has removed a ballot from a ballot envelope, the judge shall put it face down on the table without examining it. The team shall open ballot envelopes until they have a sufficient number of ballots and ballot envelopes to fill a carrier envelope, create a predetermined batch, or they have opened all of the ballot envelopes for an election district or the election, whichever occurs first. The team shall then shuffle the ballots and then proceed to tally the votes for that group of ballots.
- f. The team of absentee election judges shall then tally the votes for a group of ballots on absentee vote tally sheets with one 1 person reading the votes and 2 others tallying the votes on separate absentee vote tally sheets. Once the team has tallied a group of ballots, they shall verify that the results on both absentee vote tally sheet

are the same. If the results are not the same, the team shall re-tally the votes until the result is the same. During the tally process, the team shall:

- i. Attempt to determine the voter's intent pursuant to 15 Del. C. §4972 in the event that a voter did not mark the ballot as instructed; and
 - ii. Tally votes for write-in candidates on the absentee vote tally sheets if permitted by the Town Charter or ordinance.
- g. Once a team has tallied the absentee votes for a group of ballots, the members shall sign both copies of the absentee vote tally sheet and then put the voted ballots, rejected ballots, ballot envelopes, and 1 copy of the absentee vote tally sheet into a carrier envelope. The team shall then complete the log sheet showing the serial number of the carrier envelope, put the log sheet into the carrier envelope and then seal the carrier envelope. The team shall then give the carrier envelope and the second copy of the absentee vote tally sheet to the Board of Elections.
- h. Upon receipt of a carrier envelope and the second copy of the absentee vote tally sheet for that carrier envelope, the Board of Elections shall:
- i. Put the carrier envelope in a secure location until such time it is needed for a recount, legal action, or is to be destroyed as provided in this Ordinance; and
 - ii. Record the results from the absentee vote tally sheet onto a master absentee vote tally sheet for the election. After the Board of Elections has received all of the absentee vote tally sheets and has entered the results for each candidate on the master absentee vote tally sheet, the Board of Elections shall total the votes for each candidate and then, after the polls have closed, enter the results on the vote tabulation for the election. The Board of Elections shall then seal the absentee vote tally sheet or sheets in a carrier envelope along with a log sheet showing the serial number of the carrier envelope.
- i. Ballot envelopes received after the ballots have been counted or the ballots for a specific election district have been counted shall be opened and tallied in accordance with the above procedure except that they all shall be sealed in 1 or more carrier envelopes, as necessary, after the polls have closed.
- j. The teams shall repeat the above process as many times as necessary in order to count the absentee ballots.
- k. A municipality that permits absentee voting shall establish a procedure to insure that persons who voted by absentee ballot shall not be permitted to vote at a polling place on the day of the election.

Commented [JS2]: I did not see where write-in votes were permitted in the Town Charter or ordinance

Commented [JS3]: This is a requirement in the State Code. I've left it in here so that you can see it but we will need to revise it. As you can see a procedure needs to be established to address this. It may be best to do that via this ordinance.

- l. Anything herein to the contrary notwithstanding, when the number of absentee ballots returned to the Town of Greenwood is less than 5, the Town of Greenwood may develop a counting procedure protective of the secrecy of the ballot.

Commented [JS4]: This is a requirement in the State Code as well. We can develop a counting procedure if you wish. Since the State Code uses the permissive word "may", it is not required that a procedure be established.

9. Preparing absentee ballots to be counted. Notwithstanding any other provision of this Ordinance, the Board of Elections may open absentee ballot envelopes in a public meeting in order to prepare them to be counted. Such meeting shall take place, upon proper notice, at any time between 8:00 a.m. of the day prior to the election and up to 1 hour before the polls are scheduled to open. The Town of Greenwood shall notify each candidate on the ballot that they may have challengers at the meeting during which the Board of Elections opens the absentee ballots. At such meeting, the Board of Elections shall act in accordance with the same procedures as set out in Section 8 of this Ordinance, with the exception that the absentee ballot judges shall not proceed to tally the votes for any group of ballots but shall then secure such ballots, ballot envelopes, and any rejected ballot envelopes in a carrier envelope along with the log sheet showing the serial number of the log sheet. The absentee ballot judges shall then seal the carrier envelope or envelopes and deliver it / them to the Board of Elections. The Board of Elections shall then secure the carrier envelope or envelopes in locked cabinets until opened at a subsequent public meeting to tally the ballots on the day of the election in accordance with Section 8(f) through (j) of this Ordinance.

10. Carrier envelope specifications; carrier envelopes as ballot boxes.

- a. The Town of Greenwood shall purchase envelopes to be used as carrier envelopes, which shall be security mailing envelopes, designed to securely protect the contents thereof from tampering, removal, or substitution without detection and shall be large enough to accommodate multiple absentee ballots cast in the election.
- b. Carrier envelopes shall:
 - i. For all purposes of this title be considered the official ballot boxes for absentee votes cast during a given election;
 - ii. Contain voted absentee ballots from the Town of Greenwood;
 - iii. Be labeled to reflect the Town of Greenwood whose absentee ballots are held inside;
 - iv. Ensure the security of said ballots in the event they must be moved for the purposes of certifying an election or recounting votes cast in an election; and
 - v. Shall have printed thereon the following:

"ABSENTEE VOTER BALLOT FOR THE TOWN OF GREENWOOD

This envelope contains an absentee voter's ballot and shall be opened only at the polls of the Town of Greenwood on the day of the Municipal Election

while said polls are open. This envelope and the enclosed voucher envelope shall be preserved by the Board of Elections and at the close of the count shall be deposited in the box into which the ballots have been placed when read and returned therewith.

THE TOWN OF GREENWOOD

BY: _____
Town Manager

- c. A sealed carrier envelope may be reopened only when necessary to certify an election or recount votes cast in an election.
- d. In the event the Town of Greenwood must move absentee ballots for the purposes of certifying an election, or recounting votes cast in an election, it shall select the carrier envelopes for the affected municipal election districts and move them, in a secure fashion, to the location where the carrier envelopes will be opened and the votes inside inspected.
- e. Upon completion of any inspection of votes pursuant to this subsection, absentee ballots shall be returned to the carrier envelopes from which they were removed and the carrier envelopes shall be:
 - i. Resealed in a secure manner, or shall be placed in another security envelope, for the purposes of securely protecting the contents thereof from tampering, removal, or substitution without detection; and
 - ii. Put the carrier envelope in a secure location until such time it is needed for a recount, legal action, or is to be destroyed as provided in this Ordinance.

11. Challenges.

- a. The ballot of any elector choosing to vote by absentee ballot may be challenged for the same causes and in the same manner as for other voters.
- b. In addition, the vote of an absentee voter may be challenged:
 - i. On the ground that the statement filed by the voter in compliance with Section 2 of this Ordinance is false; or
 - ii. On the ground that the self-administered statement on the ballot envelope is not signed.
- c. If a challenge is made pursuant to subsection (a) of this Section, an absentee judge shall return the ballot to its ballot envelope, shall mark the ballot envelope as "CHALLENGED", and shall set the envelope aside in a secure location for

Commented [JS5]: There is no provision in the Charter or Town Code for this but there is a provision in 15 Del. C. 7557(d). I don't know that we have to reference it but we could if you wanted to.

consideration at a later time as provided elsewhere in this Ordinance. If a challenge is made pursuant to subsection (b) of this Section, an absentee judge shall mark the ballot envelope as "CHALLENGED" and shall set it aside in a secure location for consideration at a later time as provided elsewhere in this Ordinance.

- d. All challenges to absentee ballots must be resolved before the counting of votes may be considered complete. Any challenge not resolved by the absentee judges within a reasonable time of the challenge having been made shall be referred to the Board of Elections for resolution.

12. Rejected ballots.

- a. No vote shall be accepted or counted if:
 - i. The statement of the absentee voter that appears on the front of the ballot envelope is found to have been altered or is not signed; or
 - ii. The absentee voter is not a duly qualified elector entitled to vote in the Town of Greenwood; or
 - iii. The ballot envelope is open; or
 - iv. It is evident that the ballot envelope has been opened and resealed; or
 - v. It is evident that the ballot envelope has been tampered with or altered.
- b. If the ballot envelope has not been opened at the time an absentee judge decides that the offered ballot contained therein should not be accepted or voted for any of the reasons set forth in subsection (a) of this Section, it shall not be opened but shall instead be endorsed thereon as, "REJECTED", giving reason therefore.
- c. If the ballot envelope has been opened at the time an absentee judge decides that the offered ballot contained therein should not be accepted or voted for any of the reasons set forth in subsection (a) of this Section, the ballot shall be returned to its ballot envelope and the absentee judge shall endorse on the ballot envelope, "REJECTED", giving reason therefore.
- d. Whenever it is made to appear by due proof to an absentee judge that any absentee voter, who has marked and forwarded the absentee voter's ballot, has died, the ballot envelope containing the ballot shall not be opened but shall be marked "REJECTED, DEAD", and shall be preserved and disposed of as other rejected ballots.
- e. Whenever a ballot has not been counted but has been rejected pursuant to this Section, the appropriate notation shall be made on the absentee ballot tally and the number of ballots so rejected shall be noted on the certificates of election.

- f. Ballots rejected pursuant to this Section shall be deposited in a carrier envelope for the Town of Greenwood election district to which they apply.
13. Validity of absentee voter's ballot for wrong municipal election district. If an absentee voter marks and returns an absentee ballot for a municipal election district other than the municipal election district of which the absentee voter is a duly registered elector, such ballot, because thereof, shall not be adjudged invalid, but, as indicated by the marking of the ballot by the voter, shall be counted as a vote for every candidate appearing thereon who is a candidate for an office to be duly voted for in the municipal election district.
14. Procedure if requests or ballots sent to wrong official; absentee ballots received by election officers. If any request for an absentee ballot and accompanying envelopes, or any marked ballot of any such elector are addressed to and returned to any official other than the Town Manager or a duly authorized agent of the Town Manager, then the official shall immediately transfer such request or returned marked ballot to the Town Manager or a duly authorized agent of the Town Manager, to be acted upon by the Town of Greenwood as provided by this Ordinance.
15. File of absentee voters.
- a. The Town of Greenwood shall maintain records providing for the prevention of fraud and to make possible the tracing and detection of any attempt to do so. Such records shall include, but shall not be limited to, the following entries:
 - i. The name of elector;
 - ii. The address at which the elector establishes eligibility to vote;
 - iii. The address where ballot is to be mailed;
 - iv. The date the statement is received by the Town of Greenwood;
 - v. The elector's municipal election district, if applicable;
 - vi. The ballot envelope identification number;
 - vii. The date the ballot is mailed or delivered to the elector; and
 - viii. The date the ballot is returned.
 - b. The Town Manager shall compile from its files a list of names and addresses of all applicants for absentee ballots, and shall, upon request, send current and complete copies thereof without cost to candidates on the ballot in the forthcoming election. Such lists shall be provided no later than 2 weeks prior to the date of the election. Comparable information shall also be made available to the candidates during the

Commented [JS6]: Ordinance says this shall be provided but Code says it only has to be provided upon request so I went with that language.

remaining 2 weeks before the election, such information to be recorded by the candidates from the daily records of the Town Manager, with the cooperation and assistance of the Town Manager.

Commented [JS7]: This is not required by the State Code but is found in the Town's ordinance.

16. Violations and Penalties.

Commented [JS8]: This is not in the state code but is in the existing Ordinance as Section 16. Language has been retained except where noted. I note that there are fines listed and they should be reviewed to see if the amounts need to be changed.

- a. Whoever willfully makes a false affidavit under the provisions of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or imprisoned for a period of not more than thirty (30) days, or both, and shall also pay the costs of prosecution.
- b. Whoever, other than the Board of Elections, on the day of the Municipal Election and at the polls opens or attempts to open any sealed voucher or carrier envelope or whoever prints or causes to be printed an envelope identical or purportedly similar to the voucher envelope or either carrier envelope, other than the printing of such envelopes by the official printer selected by the Town Council for the printing of such envelopes pursuant to the provisions of this Ordinance, or whoever aids or abets or attempts to aid or abet any fraud in connection with any vote cast or to be cast, under the provisions of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or imprisoned for a period of not more than thirty (30) days, or both, and shall also pay the costs of prosecution.
- c. Whoever fraudulently signs the name of a voter to the affidavit on any voucher or envelope or of the Town Manager on any carrier envelope thereof shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or imprisoned for a period of not more than thirty (30) days, or both, and shall also pay the costs of prosecution.
- d. Whoever, being a member of the Board of Elections or other public official of the Town of Greenwood, knowingly violates the provisions of this Ordinance and thereby aids in any way the illegal casting of a vote or attempting to cast a vote or whoever connives to nullify any provision of this Ordinance in order that fraud may be perpetrated shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Seventy-Five Dollars (\$75.00) nor more than Two Hundred Dollars (\$200.00), or imprisoned for a period of not more than thirty (30) days, or both, and shall also pay the costs of prosecution.

Commented [JS9]: This was not in the original ordinance but is consistent with other similar language in this section.

Synopsis

This Ordinance repeals and replaces Ordinance C-5 to update the Town of Greenwood's regulations on absentee ballot procedures. These updates bring the Town's regulations into compliance with recent changes the Delaware State Code (15 Del. C. § 7570 et seq.) regarding absentee ballot requirements in all municipal elections.

This shall certify that this is a true and correct copy of Ordinance C-5-A duly adopted by the Town Council of the Town of Greenwood at a duly-noticed and convened meeting at which a quorum was present on _____, 2022.

So certifies:

Attest: _____
Council Secretary

Mayor

Sponsor: _____
First Reading: _____
Second Reading: _____

GREENWOOD ORDINANCE NO. C-14

**AN ORDINANCE ESTABLISHING A VOTER REGISTRATION PROGRAM FOR
MUNICIPAL ELECTIONS IN THE TOWN OF GREENWOOD**

WHEREAS, Section 7(g) of the Greenwood Town Charter authorizes the Town Council to “enact such ordinances concerning the registration of qualified voters for municipal elections in the Town as it deems reasonably necessary to provide for the orderly and efficient conduct of municipal elections; provided that no such ordinances shall alter the qualifications of voters as hereinabove set forth, nor shall any such ordinances unduly impair the right to vote in a municipal election”;

WHEREAS, the Delaware Department of Elections has a voter registration program and the Town Council finds that it is in the best interest of the Town of Greenwood to utilize the Delaware Department of Elections’ voter registration system;

NOW THEREFORE, be it hereby enacted by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that Ordinance C-14 is hereby enacted as follows:

**AN ORDINANCE ESTABLISHING A VOTER REGISTRATION PROGRAM FOR
MUNICIPAL ELECTIONS IN THE TOWN OF GREENWOOD**

Section 1. Registration.

1. Except as provided in the Charter of the Town of Greenwood (“the Charter”), the registration of voters in the Town of Greenwood shall be governed by and conducted in accordance with the provisions of Title 15 of the Delaware Code.
2. A bona fide resident of the Town of Greenwood who meets the qualifications set forth in the Charter and in Section 2 of this Ordinance and who is registered to vote for elections through the Delaware Department of Elections (“the Department”) shall be deemed registered to vote in elections of the Town of Greenwood.
3. The Town of Greenwood shall use the State of Delaware’s Voter Registration System as the source of the Town of Greenwood’s list of registered bona fide resident voters. The Town of Greenwood and the Department shall enter into an agreement that specifies the responsibilities of each party relating to registering voters, maintaining voter records, and providing Election Day support.

4. The Town of Greenwood shall maintain its own voter registration system as the source of the Town of Greenwood's list of registered nonresident voters. The Town of Greenwood shall publish and post a schedule of when eligible nonresident voters may register to vote.

Section 2. Qualifications.

1. Resident of the Town. To qualify to register to vote in any municipal election or special election of the Town of Greenwood, an individual who is a bona fide resident of the Town of Greenwood must:
 - a. Be a citizen of the United States of America;
 - b. Be at least eighteen (18) years of age at the time of the election; and
 - c. Continuously have been a bona fide resident for a period of at least thirty (30) days prior to the election
2. Non-Resident of the Town. Except as otherwise provided in Section 3 and Section 32 of the Charter, non-residents are not permitted to vote in Town of Greenwood elections.
 - a. To qualify to register to vote in a special election under Section 3 of the Charter, a non-resident of the Town of Greenwood must be an individual or legal entity owning record title to real property in a parcel proposed for annexation.
 - b. To qualify to register to vote in a special election under Section 32 of the Charter, a non-resident of the Town of Greenwood must be an individual or legal entity owning record title to real property in the Town of Greenwood.
3. Definitions.
 - a. "Bona Fide Resident" means an individual who physically resides within the corporate limits of the Town with the actual intent to make that residence that person's fixed and permanent home.

Section 3. Procedure. The Town of Greenwood Municipal Election must be conducted pursuant to Subchapters IV and V, Chapter 75 of Title 15 of the Delaware Code.

Section 4. Requirements. No person shall vote or be allowed to vote in any municipal election or special election of the Town of Greenwood unless such person is properly registered to vote for state elections in accordance with Title 15 of the Delaware Code or is otherwise qualified to vote as required in the Charter.

Section 5. Voter Identification. Persons appearing to vote shall present proof of identity and address pursuant to Title 15, Chapter 75 of the Delaware Code. Once determined eligible, the voter shall print the voter's legal name, address, and record the voter's signature on the appropriate election document prior to voting.

Section 6. Registration Deadlines.

1. Resident voters shall be required to have properly registered with the Department to be permitted to vote at a Town of Greenwood election.
2. Non-resident voters shall be required to register with the Town Manager of Greenwood to be permitted to vote at a Town of Greenwood special election.
3. Regular and Municipal Elections. In accordance with 15 Del. C. § 7550(d), the Town Manager shall close the registration records 30 days prior to the date of the election and only those voters properly registered as of that time shall be entitled to vote at the following election.
4. Special Elections. In accordance with 15 Del. C. § 2037 and § 7550(d), the Town Manager of Greenwood shall close the registration records 10 days prior to the date of a special election and only those voters properly registered as of that time shall be entitled to vote at the following special election.
5. If the deadline for registration set forth in this Section 6 falls on a Saturday, Sunday, or holiday, the deadline shall be the next day that is not a Saturday, Sunday, or holiday.
6. Mail applications postmarked on or before the deadline for registration set forth in this Section 6 shall be considered to be on-time and shall be immediately processed by the Department and the Town of Greenwood. If applications for voter registration are taken by agencies in accordance with Title 15, Chapter 20, Subchapter VII of the Delaware Code on or before the deadline, those applications shall be considered on-time and shall be processed by the Department immediately upon receipt.
7. The registration records of the Town shall remain closed until the day after the election.

Section 7. Custodian of Registration Records. The Town Manager of Greenwood shall be the custodian of the permanent registration records. The removal of registration records from Town Hall shall be done only with the express consent of the Town Manager.

Synopsis

This Ordinance outlines the procedure for voter registration in elections in the Town of Greenwood. These updates bring the Town's regulations into compliance with recent changes the Delaware State Code and eliminates the requirement for dual registration with the State Department of Elections.

This shall certify that this is a true and correct copy of Ordinance C-14 duly adopted by the Town Council of the Town of Greenwood at a duly-noticed and convened meeting at which a quorum was present on _____, 2022.

So certifies:

Attest: _____
Council Secretary

Mayor

TOWN OF GREENWOOD RESOLUTION NO 2022-05
A RESOLUTION ESTABLISHING THE TIME AND DAYS
OF REGULAR TOWN COUNCIL MEETINGS

WHEREAS, the Town of Greenwood is authorized, pursuant to Section 9 of the Town Charter to hold at least one (1) regular meeting per month, "the time and days of the meeting to be determined by Resolution of the Town Council", and

WHEREAS, the Town has found it difficult in the past to have an inflexible day and time for its monthly meeting, in terms of availability of a quorum and staff, and desires more flexibility in scheduling, with the limits of the Town Charter.

THEREFORE, be it resolved that the Town Council of the Town of Greenwood shall hold one monthly meeting, which may be held on either the second or third Wednesday of each month, to begin at 6:30 p.m. in Town Hall. In the event of an Executive Session or Public Hearing is noticed and held immediately prior to the regularly scheduled Town Council meeting, said Executive Session or Public Hearing shall begin no earlier than 1 hour before the scheduled start of the regular meeting, but the Town may convene the regular meeting as soon as the Executive Session or Public hearing is closed, even if prior to 6:30 p.m..

BE IT FURTHER RESOLVED that all Town Council meetings shall comport with other provisions of Section 9 of the Town Charter, and notice requirements set forth in the Delaware Freedom of Information Act, 29 Del.c. Chapter 100.

This shall certify that this is a true and correct copy of the Resolution duly adopted by the Town Council of the Town of Greenwood at a duly noticed and convened meeting at which a quorum was present on _____, 2022.

Attest: _____
Council Secretary

Mayor: _____
Mayor

GREENWOOD RESOLUTION NO. 2022-06

A RESOLUTION REPLACING TOWN OF GREENWOOD OFFICIAL ZONING MAP

WHEREAS, the Town Council of the Town of Greenwood ("Town") updated the Town Official Zoning Map.

WHEREAS, the Town Council agrees that the Official Zoning map dated January 6, 2009 has been revised to include zoning changes.

THEREFORE, be it resolved the Town Council of the Town shall approve replacing the Official Zoning Map with the new, updated map of the same name.

SYNOPSIS

This resolution replaces OFFICIAL ZONING MAP with the updated map.

This shall certify that this is a true and correct copy of the resolution duly adopted by the Town Council of the Town of Greenwood at a duly noticed and convened meeting at which a quorum was present on _____, 2022.

So certifies:

Attest:

Council Secretary

Mayor